

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

NORMAN E. LACEY,

Plaintiff,

v.

CITY OF AUBURN,

Defendant.

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CASE NO: 3:06-CV-1145-MEF

DEFENDANT'S EXHIBIT LIST

COMES NOW the Defendant City of Auburn and submits a list of exhibits as follows:

1. Management Agreement between City and Board.
2. Employee Handbook.
3. Equal Employment Opportunity Policy.
4. Promotion policies.
5. Payroll/Position Authorization for Plaintiff's hire by Board.
6. Job description for Water Plant Operator.
7. Payroll/Position Authorization for Plaintiff's promotion to Chief Operator.
8. Job description for Chief Operator.
9. Job description for Water Distribution Manager.
10. Job Vacancy Notice.
11. Opelika Auburn News notice of vacancy Water Distribution Manager.
12. Plaintiff's application for Water Distribution Manager.

13. Kyle Hildreth's application for Water Distribution Manager.
14. Cummings' interview notes for Plaintiff.
15. Cummings' interview notes for Kyle Hildreth.
16. Documentation of Kyle Hildreth's references being contacted.
17. Envelope for Plaintiff's resignation letter.
18. Plaintiff's resignation letter.
19. Plaintiff's EEOC Charge of Discrimination.
20. Plaintiff's 2006 tax returns.
21. Plaintiff's 2007 tax returns (to be produced by Plaintiff).
22. Plaintiff's W-2 for 2007.
23. All documents establishing income received by Plaintiff in 2008 (to be produced by Plaintiff).
24. Chart showing amount of income Plaintiff would have made had he continued in the same position from his date of resignation through December 31, 2006.
25. Chart showing income Plaintiff would have earned with the Water Board in 2006 as Chief Operator.
26. Chart showing income Plaintiff would have earned as Chief Operator for 2007.
27. Chart evidencing difference in income for Plaintiff from the date of Hildreth's hire until date Plaintiff resigned.
28. Payroll/Position Authorization for Kyle Hildreth's hire.
29. All or any part of personnel file of Plaintiff.

30. All or any part of personnel file of Kyle Hildreth.
31. Payroll records for Plaintiff with Water Board.
32. Any payroll records, etc. that will provide information with regard to Plaintiff's income with the Board.
33. Plaintiff's contract with Kellogg Brown & Root and/or Services Employees International, Inc (to be furnished by Plaintiff).
34. All documents related to Plaintiff's current employer and income since leaving Water Board (to by furnished by Plaintiff.)
35. All documents evidencing any bonus eligibility/payment for Plaintiff with Kellogg, Root & Brown and/or Services Employees International, Inc. (to be furnished by Plaintiff).
36. Plaintiff's personnel file from Kellogg, Brown & Root (to be furnished by Plaintiff).
37. Plaintiff's personal file from Professional Services Group (to be furnished by Plaintiff).
38. Defendant reserves the right to use any document requested from and/or produced by Plaintiff pursuant to any discovery request, including the discovery requests themselves.
39. Defendant reserves the right to use any document produced by Defendant to Plaintiff pursuant to any discovery request.
40. Defendant reserves the right to use any document listed on any of Defendant's disclosures.
41. Any document necessary for impeachment.

42. Any document necessary for rebuttal.
43. Defendant reserves the right to use any exhibit listed by Plaintiff.
44. Defendant reserves the right to supplement once Plaintiff responds to Defendant's outstanding discovery.

By listing same herein, Defendant does not waive any objection it might have to the attempted use and/or introduction into evidence of same by Plaintiff.

/s/ *Randall Morgan*
Randall Morgan [MORG8350]
Attorney for Defendant City of Auburn

OF COUNSEL:
HILL, HILL, CARTER, FRANCO,
COLE & BLACK, P.C.
425 South Perry Street
Montgomery, Alabama 36104
334-834-7600

CERTIFICATE OF SERVICE

I hereby certify the foregoing has been duly served on the following via E-Mail and U.S. Mail, properly addressed and first-class postage prepaid on this the 19th day of March, 2008:

Roderick E. Cooks, Esq.
Winston Cooks, LLC
The Penick Building
319 17th Street North
Birmingham, Alabama 35203

/s/ *Randall Morgan*
OF COUNSEL